

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL H. GRISHAM,

Plaintiffs,

vs.

EIGHTH JUDICIAL DISTRICT FAMILY COURT
 OF CLARK COUNTY NEVADA, et al.,

Defendants.

Case No. 2:13-cv-02349-JCM-NJK

ORDER STAYING DISCOVERY
 (Docket No. 12)

Pending before the Court is Defendants' motion to stay discovery pending resolution of their motion for summary judgment. *See* Docket No. 12; *see also* Docket No. 10 (motion for summary judgment). Plaintiff filed a response in opposition and Defendants filed a reply. Docket Nos. 16, 21. The Court finds this matter appropriately resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed below, the Court hereby **GRANTS** the motion to stay discovery pending resolution of the motion for summary judgment.

"The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially case-dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the motion and is convinced that the plaintiff will be unable to state a claim for relief. *See, e.g., Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).

1 The Court finds these factors are present here. First, the motion for summary judgment is
2 potentially case-dispositive as it challenges all pending claims. Second, the motion for summary
3 judgment can be decided without additional discovery. Third, the Court has taken a preliminary
4 peek at the merits of the motion for summary judgment, which raises arguments regarding
5 jurisdiction, abstention, claim and issue preclusion, and immunity. In reviewing these arguments,
6 the Court believes the motion will be granted.¹

7 Accordingly, the motion to stay all discovery is hereby **GRANTED**. In the event that the
8 motion for summary judgment is not granted in full, the parties shall submit a joint status report to
9 the undersigned within 14 days of the issuance of the order resolving the motion for summary
10 judgment. That status report shall indicate what discovery needs to be completed and shall provide a
11 proposed plan for completing it.

12 IT IS SO ORDERED.

13 DATED: April 21, 2014

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16 NANCY J. KOPPE
17 United States Magistrate Judge
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26 ¹ Conducting this preliminary peek puts the undersigned in an awkward position because the
27 assigned district judge who will decide the motion to dismiss may have a different view of its merits.
28 *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is
not intended to prejudice its outcome. *See id.*